

DANIEL G. BOGDEN
United States Attorney
PATRICK BURNS
Assistant United States Attorney
Nevada State Bar #: 11779
Lloyd D. George United States Courthouse
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336/Fax: (702) 388- 6418
Attorney for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-000-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WENDELL WAITE,

Defendant.

CASE NO: 2:11-cr-00247-JAD-CWH

**STIPULATION TO CONTINUE STATUS
CONFERENCE**

It is hereby stipulated and agreed, by and between Daniel G. Bogden, United States Attorney, through Patrick Burns, Assistant United States Attorney, and Todd Leventhal, Esq., counsel for Defendant Wendell Waite, that the status conference in the above-captioned matter, previously scheduled for February 10, 2017, at 8:45 a.m., be vacated and continued until a Friday date convenient to the Court, but not sooner than thirty (30) days from now.

This Stipulation is entered into for the following reasons:

1. This Court set a status conference to occur on February 10, 2017, at 8:45 a.m., at which the Government is to advise the Court regarding its intention to continue the prosecution in light of Defendant Waite being found incompetent to proceed to trial.

2. The Government is actively seeking to resolve this matter. Because multiple layers of review from different offices and agencies are required, the undersigned does not anticipate having a decision to convey to the Court by the current setting. Counsel anticipates a thirty-day continuance would permit sufficient time to complete the required review and obtain a decision

1 regarding whether the litigation will continue.

2 3. Counsel for Defendant Waite is about to begin a complex, multi-week trial. Thus,
3 the parties request a Friday setting convenient to the Court.

4 4. This is the first request for a continuance of the February 10, 2017 status
5 conference.

6 Dated this 3rd day of February, 2017

7
8 DANIEL G. BOGDEN
United States Attorney

9 /s/
10 By: TODD LEVENTHAL, Esq.
Counsel for Defendant WAITE

11 /s/
12 By: PATRICK BURNS
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-000-

UNITED STATES OF AMERICA,

Plaintiff,

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FINDINGS OF FACT AND ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This Court set a status conference to occur on February 10, 2017, at 8:45 a.m., at which the Government is to advise the Court regarding its intention to continue the prosecution in light of Defendant Waite being found incompetent to proceed to trial.

2. The Government is actively seeking to resolve this matter. Because multiple layers of review from different offices and agencies are required, the Government does not anticipate having a decision to convey to the Court by the current setting. Counsel anticipates a thirty-day continuance would permit sufficient time to complete the required review and obtain a decision regarding whether the litigation will continue.

3. Counsel for Defendant Waite is about to begin a complex multi-week trial. The parties request a Friday setting convenient to the Court.

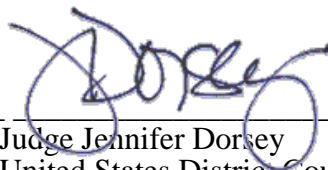
4. This is the first request for a continuance of the February 10, 2017 status conference.

For all of the above-stated reasons, the ends of justice would be served best by a continuance of the status conference hearing date.

ORDER

IT IS FURTHER ORDERED that the sentencing hearing in *United States v. Wendell Waite*, 2:11-cr-00247-JAD-CWH, previously scheduled for February 10, 2017 at 8:45 a.m. is vacated and continued until March 24, 2017 at the hour of 9:00 a.m.

DATED this 3rd day of February, 2017.

By: 
Judge Jennifer Dorsey
United States District Court Judge

Certificate of Service

I, Veronica Criste, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: STIPULATION TO CONTINUE STATUS CONFERENCE, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said document.

Dated: February , 2017

/s/ Veronica Criste
Legal Assistant to PATRICK BURNS
Assistant United States Attorney
District of Nevada